

ASSEMBLY BILL

No. 1627

Introduced by Assembly Member Koretz

February 22, 2005

An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1627, as introduced, Koretz. Provisional licensing program.

Existing law, the Brady-Jared Teen Driver Safety Act of 1997, allows for the issuance of a driver's license to a person at least 16 years of age but under 18 years of age, under the provisional licensing program.

Under that act, except as specified, during the first 12 months after issuance of a provisional driver's license, the licensee is prohibited from driving between the hours of 12 midnight and 5 a.m., and during the first 6 months after issuance, the licensee is prohibited from transporting passengers who are under 20 years of age, unless, in either situation the licensee is accompanied and supervised by a licensed driver who is the licensee's parent or guardian, a licensed driver who is 25 years of age or older, or a licensed or certified driving instructor.

Existing law imposes sanctions for violating these provisions including, alternatively, requiring the violator to serve a number of hours of community service or pay a fine of \$35 for a first offense and \$50 for a 2nd or subsequent offense. Existing law prohibits the record of these convictions from being disclosed by the Department of Motor Vehicles or constituting a violation point value.

This bill would include as one of the sanctions that the violator have his or her license revoked or suspended until the licensee's 18th

birthday. The court would be allowed to impose one or more of the sanctions. The bill would also delete the prohibition against the department from disclosing the record of these convictions or imposing a violation point value.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12814.6 of the Vehicle Code is
2 amended to read:

3 12814.6. (a) Except as provided in Section 12814.7, a
4 driver's license issued to a person at least 16 years of age but
5 under 18 years of age shall be issued pursuant to the provisional
6 licensing program contained in this section. The program shall
7 consist of all of the following components:

8 (1) Upon application for an original license, the applicant shall
9 be issued an instruction permit pursuant to Section 12509. A
10 person who has in his or her immediate possession a valid permit
11 issued pursuant to Section 12509 may operate a motor vehicle,
12 other than a motorcycle or motorized bicycle, only when the
13 person is either taking the driver training instruction referred to
14 in paragraph (3) or practicing that instruction, provided the
15 person is accompanied by, and is under the immediate
16 supervision of, a California licensed driver 25 years of age or
17 older whose driving privilege is not on probation. The age
18 requirement of this paragraph does not apply if the licensed
19 driver is the parent, spouse, or guardian of the permitholder or is
20 a licensed or certified driving instructor.

21 (2) The person shall hold an instruction permit for not less
22 than six months prior to applying for a provisional driver's
23 license.

24 (3) The person shall have complied with one of the following:

25 (A) Satisfactory completion of approved courses in
26 automobile driver education and driver training maintained
27 pursuant to provisions of the Education Code in any secondary
28 school of California, or equivalent instruction in a secondary
29 school of another state.

30 (B) Satisfactory completion of an integrated driver education
31 and training program that is approved by the department and

1 conducted by a driving instructor licensed under Chapter 1
2 (commencing with Section 11100) of Division 5. The program
3 shall utilize segmented modules, whereby a portion of the
4 educational instruction is provided by, and then reinforced
5 through, specific behind-the-wheel training before moving to the
6 next phase of driver education and training. The program shall
7 contain a minimum of 30 hours of classroom instruction and six
8 hours of behind-the-wheel training.

9 (C) Satisfactory completion of six hours or more of
10 behind-the-wheel instruction by a driving school or an
11 independent driving instructor licensed under Chapter 1
12 (commencing with Section 11100) of Division 5 and either an
13 accredited course in automobile driver education in any
14 secondary school of California pursuant to provisions of the
15 Education Code or satisfactory completion of equivalent
16 professional instruction acceptable to the department. To be
17 acceptable to the department, the professional instruction shall
18 meet minimum standards to be prescribed by the department, and
19 the standards shall be at least equal to the requirements for driver
20 education and driver training contained in the rules and
21 regulations adopted by the State Board of Education pursuant to
22 the Education Code. A person who has complied with this
23 subdivision shall not be required by the governing board of a
24 school district to comply with subparagraph (A) in order to
25 graduate from high school.

26 (D) Except as provided under subparagraph (B), a student may
27 not take driver training instruction, unless he or she has
28 successfully completed driver education.

29 (4) The person shall complete 50 hours of supervised driving
30 practice prior to the issuance of a provisional license, which is in
31 addition to any other driver training instruction required by law.
32 Not less than 10 of the required practice hours shall include
33 driving during darkness, as defined in Section 280. Upon
34 application for a provisional license, the person shall submit to
35 the department the certification of a parent, spouse, guardian, or
36 licensed or certified driving instructor that the applicant has
37 completed the required amount of driving practice and is
38 prepared to take the department's driving test. A person without
39 a parent, spouse, guardian, or who is an emancipated minor, may
40 have a licensed driver 25 years of age or older or a licensed or

1 certified driving instructor complete the certification. This
2 requirement does not apply to motorcycle practice.

3 (5) The person shall successfully complete an examination
4 required by the department. Before retaking a test, the person
5 shall wait for not less than one week after failure of the written
6 test and for not less than two weeks after failure of the driving
7 test.

8 (b) Except as provided in Section 12814.7, the provisional
9 driver's license shall be subject to all of the following
10 restrictions:

11 (1) Except as specified in paragraph (3), during the first six
12 months after issuance of a provisional license the licensee may
13 not do any of the following unless accompanied and supervised
14 by a licensed driver who is the licensee's parent or guardian, a
15 licensed driver who is 25 years of age or older, or a licensed or
16 certified driving instructor:

17 (A) Drive between the hours of 12 midnight and 5 a.m.

18 (B) Transport passengers who are under 20 years of age.

19 (2) During the second six months after issuance of a
20 provisional license the licensee may transport passengers under
21 the age of 20 years between the hours of 5 a.m. and 12 midnight
22 without supervision. This driving time restriction may not modify
23 or alter any local ordinance that restricts or prohibits cruising
24 during specified proscribed hours. However, the restriction
25 imposed under subparagraph (A) of paragraph (1) shall continue
26 to apply during this period.

27 (3) A licensee may drive between the hours of 12 midnight
28 and 5 a.m. or transport an immediate family member without
29 being accompanied and supervised by a licensed driver who is
30 the licensee's parent or guardian, a licensed driver who is 25
31 years of age or older, or a licensed or certified driving instructor,
32 in the following circumstances:

33 (A) Medical necessity of the licensee when reasonable
34 transportation facilities are inadequate and operation of a vehicle
35 by a minor is necessary. The licensee shall keep in his or her
36 possession a signed statement from a physician familiar with the
37 condition, containing a diagnosis and probable date when
38 sufficient recovery will have been made to terminate the
39 necessity.

(B) Schooling or school-authorized activities of the licensee when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary. The licensee shall keep in his or her possession a signed statement from the school principal, dean, or school staff member designated by the principal or dean, containing a probable date that the schooling or school-authorized activity will have been completed.

(C) Employment necessity of the licensee when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary. The licensee shall keep in his or her possession a signed statement from the employer, verifying employment and containing a probable date that the employment will have been completed.

(D) Necessity of the licensee or the licensee's immediate family member when reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary to transport the licensee or the licensee's immediate family member. The licensee shall keep in his or her possession a signed statement from a parent or legal guardian verifying the reason and containing a probable date that the necessity will have ceased.

(E) The licensee is an emancipated minor.

(c) A law enforcement officer may not stop a vehicle for the sole purpose of determining whether the driver is in violation of the restrictions imposed under subdivision (b).

(d) (1) Upon a finding that any licensee has violated paragraph (1) or (2) of subdivision (b), the court shall impose one or more of the following:

(A) ~~Not~~ *Revoke or suspend the license until the licensee's 18th birthday.*

(B) *Not less than eight hours nor more than 16 hours of community service for a first offense and not less than 16 hours nor more than 24 hours of community service for a second or subsequent offense.*

~~(B)–~~

(C) A fine of not more than thirty-five dollars (\$35) for a first offense and a fine of not more than fifty dollars (\$50) for a second or subsequent offense.

1 (2) If the court orders community service, the court shall retain
2 jurisdiction until the hours of community service have been
3 completed.

4 (3) If the hours of community service have not been completed
5 within 90 days, the court shall impose a fine of not more than
6 thirty-five dollars (\$35) for a first offense and not more than fifty
7 dollars (\$50) for a second or subsequent offense.

8 (e) A conviction of paragraph (1) or (2) of subdivision (b),
9 when reported to the department, ~~may not be disclosed as~~
10 ~~otherwise specified in Section 1808 or constitute~~ *constitutes* a
11 violation point count value pursuant to *subdivision (f) of* Section
12 12810.

13 (f) Any term of restriction or suspension of the driving
14 privilege imposed on a person pursuant to this subdivision shall
15 remain in effect until the end of the term even though the person
16 becomes 18 years of age before the term ends.

17 (1) The driving privilege shall be suspended when the record
18 of the person shows one or more notifications issued pursuant to
19 Section 40509 or 40509.5. The suspension shall continue until
20 any notification issued pursuant to Section 40509 or 40509.5 has
21 been cleared.

22 (2) A 30-day restriction shall be imposed when a driver's
23 record shows a violation point count of two or more points in 12
24 months, as determined in accordance with Section 12810. The
25 restriction shall require the licensee to be accompanied by a
26 licensed parent, spouse, guardian, or other licensed driver 25
27 years of age or older, except when operating a class M vehicle, or
28 so licensed, with no passengers aboard.

29 (3) A six-month suspension of the driving privilege and a
30 one-year term of probation shall be imposed whenever a
31 licensee's record shows a violation point count of three or more
32 points in 12 months, as determined in accordance with Section
33 12810. The terms and conditions of probation shall include, but
34 not be limited to, both of the following:

35 (A) The person shall violate no law which, if resulting in
36 conviction, is reportable to the department under Section 1803.

37 (B) The person shall remain free from accident responsibility.

38 (g) Whenever action by the department under subdivision (f)
39 arises as a result of a motor vehicle accident, the person may, in
40 writing and within 10 days, demand a hearing to present evidence

1 that he or she was not responsible for the accident upon which
2 the action is based. Whenever action by the department is based
3 upon a conviction reportable to the department under Section
4 1803, the person has no right to a hearing pursuant to Article 3
5 (commencing with Section 14100) of Chapter 3.

6 (h) The department shall require a person whose driving
7 privilege is suspended or revoked pursuant to subdivision (f) to
8 submit proof of financial responsibility as defined in Section
9 16430. The proof of financial responsibility shall be filed on or
10 before the date of reinstatement following the suspension or
11 revocation. The proof of financial responsibility shall be
12 maintained with the department for three years following the date
13 of reinstatement.

14 (i) (1) Notwithstanding any other provision of this code, the
15 department may issue a distinctive driver's license, that displays
16 a distinctive color or a distinctively colored stripe or other
17 distinguishing characteristic, to persons at least 16 years of age
18 and older but under 18 years of age, and to persons 18 years of
19 age and older but under 21 years of age, so that the distinctive
20 license feature is immediately recognizable. The features shall
21 clearly differentiate between drivers' licenses issued to persons at
22 least 16 years of age or older but under 18 years of age and to
23 persons 18 years of age or older but under 21 years of age.

24 (2) If changes in the format or appearance of drivers' licenses
25 are adopted pursuant to this subdivision, those changes may be
26 implemented under any new contract for the production of
27 drivers' licenses entered into after the adoption of those changes.

28 (j) The department shall include, on the face of the provisional
29 driver's license, the original issuance date of the provisional
30 driver's license in addition to any other issuance date.

31 (k) This section shall be known and may be cited as the
32 Brady-Jared Teen Driver Safety Act of 1997.